

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

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) MDL No. 2419
) Docket No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

ALL CASES

AFFIDAVIT OF EVANGELINE DENNIS

I, Evangeline Dennis, on oath, depose and state as follows:

1. I am the Director of Patient Care Practice for The Emory Clinics: ASC, located in Atlanta, Georgia. I make this affidavit in support of The Emory Clinic's ("TEC") Motion to Quash Subpoena for Deposition by Written Questions.

2. TEC is a multi-specialty faculty practice plan affiliated with Emory University, and has more than 1,280 employed physicians. The Ambulatory Surgical Department is one of many departments within TEC. In 2012, the Ambulatory Surgical Department consisted of five units, known as "ASCs," at two locations. Today the Ambulatory Surgical Department has eight different business units. TEC does not use the name, "Emory Clinic Ambulatory Surgery Center," to refer to any of these ASCs.

3. Based on my review of its records, TEC's Ambulatory Surgical Department never purchased methyl prednisolone acetate (known as "MPA") from New England Compounding Pharmacy, Inc. ("NECC").

4. The medications that TEC's Ambulatory Surgical Department purchased from NECC included eye drops, anesthetic agents, steroid agents, and other products that assist in the administration of medication.

5. From 2010 until the Fall of 2012, Kate Shandley, a Materials Manager, was the person within the Ambulatory Surgery Department responsible for purchasing medications from NECC. Ms. Shandley died in the Fall of 2012. To my knowledge, Ms. Shandley was the only person associated with TEC's Ambulatory Surgical Department who had first-hand knowledge of its purchases from NECC.

6. To my knowledge, TEC has no affiliation with Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith- Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., or Richard Strauss, M.D.

7. I estimate that in September 2012, approximately 101 full-time and 14 part-time employees worked in TEC's Ambulatory Surgical Department.

8. I have reviewed the 106 questions posed by the subpoena in this litigation. The Ambulatory Surgical Department would have to undertake significant efforts to research and answer these questions. For instance, numerous surveys or interviews would need to be conducted to determine what employees did or did not know relating to the questions. Also, gathering responsive information will be challenging because of personnel turnover that the Ambulatory Surgical Department has experienced during the last four years, most notably the turnover resulting from the loss of Ms. Shandley.

Signed under the pains and penalties of perjury this 31st day of March, 2016.

/s/ Evangeline Dennis
Evangeline Dennis

Pursuant to CM/ECF Admin. Proc. J.3., the
paper version of this document bears an
original signature.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper or electronic copies will be delivered to those indicated as non-registered participants on April 1, 2016.

/s/ Frank N. Gaeta
Frank N. Gaeta